



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 06 1999

REPLY TO THE ATTENTION OF
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Geoff Hearsom, President
Lucas Sumitomo Brakes, Inc.
1650 Kingsview Drive
Lebanon, Ohio 45036

Dear Mr. Hearsom:

Enclosed is a file stamped Consent Agreement and Consent Order (CACO) which resolves Lucas Sumitomo Brakes, Inc. and case docket no. CAA-5-99-015. As indicated by the filing stamp on its first page, we filed the CACO with the Regional Hearing Clerk on **JUL 06 1999**.

Pursuant to paragraph 10 of the CACO, Lucas Sumitomo Brakes, Inc. must pay the civil penalty within 30 days of the date the CACO was mailed. Your check must display the case docket number, CAA-5-99-015, and the billing document number, 050399030.

Please direct any questions regarding this case to Karen Peaceman, Assistant Regional Counsel, (312) 353-5751.

Sincerely yours,

A handwritten signature in cursive script that reads "William L. MacDowell".

William MacDowell, Chief
Air Enforcement and Compliance Assurance Section (MN-OH)

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Lucas Sumitomo Brakes, Inc.
Lebanon, Ohio,

Respondent.

) **Docket No. CAA-5-99-015**
)
) **Proceeding to Assess an**
) **Administrative Penalty**
) **under Section 113(d) of the**
) **Clean Air Act,**
) **42 U.S.C. § 7413(d)**
)

US
ENVIRONMENTAL
PROTECTION
AGENCY
REGION 5
LEBANON, OHIO

99 JUL -6 P2:12

RECEIVED
REGION 5
LEBANON, OHIO

Consent Agreement and Consent Order

1. Complainant, the Director of the Air and Radiation Division, United States Environmental Protection Agency, Region 5 (EPA), brought this administrative action seeking a civil penalty under Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d).
2. EPA is filing the complaint in this action against Respondent Lucas Sumitomo Brakes, Inc. (Lucas) concurrently with this Consent Agreement and Consent Order. The complaint alleges that Lucas violated Section 112 of the Act, 42 U.S.C. § 7412, and the following requirements of National Emission Standards for Hazardous Air Pollutants for Chromium Emissions from Hard and Decorative Electroplating and Chromium Anodizing Tanks (Chrome Plating NESHAP):
 - a) 40 C.F.R. § 63.343 (c) (2) (I) and 40 C.F.R. § 63.344(d)(4) for failure to establish specific parameters for velocity pressure at the inlet to the scrubber system during the initial stack test,
 - b) 40 C.F.R. § 63.343 (c) (2) (ii) for failure to monitor velocity pressure until after the required date,

c) 40 C.F.R. § 63.346 (b) (8) for failure to maintain records of monitoring data for velocity pressure at the inlet to the scrubber system and pressure drop across the scrubber system,

d) 40 C.F.R. § 63.343 © (2) (ii) for failure to maintain operating conditions within the parameters established by this regulation once monitoring began,

e) 40 C.F.R. § 63.343 © (5) (ii) (B) for failure to adequately monitor the surface tension of the electroplating bath,

f) 40 C.F.R. § 63.343 © (5) (ii) (B) for failure to maintain the surface tension of the electroplating bath below the maximum compliant level, and

g) 40 C.F.R. § 63.347(e)(2)(iv) for failure to include all applicable operating parameters in the notification of compliance status report and for incorrectly reporting its maximum compliant surface tension

at its facility in Lebanon, Ohio.

Stipulations

3. Lucas admits the jurisdictional allegations in the complaint and neither admits nor denies the factual allegations in the complaint.

4. Lucas waives its right to a hearing pursuant to 40 C.F.R. § 22.15 (c), and waives its right to appeal pursuant to Section 113 (d) of the Act, 42 U.S.C. § 7413(d).

5. Lucas certifies that it is complying fully with the Chrome Plating NESHAP.

6. The parties consent to the terms of this Consent Agreement and Consent Order (CACO).

7. The parties agree that settling this action without further litigation, upon the terms in this CACO, is in the public interest.

Civil Penalty

8. Lucas shall pay the \$30,000 civil penalty by cashier's or certified check payable to the "Treasurer, United States of America," within 30 days after the effective date of this CACO.

9. Lucas shall send the check to:

U.S. Environmental Protection Agency
Region 5
P.O. Box 70753
Chicago, Illinois 60673

10. A transmittal letter, stating Respondent's name, complete address, the case docket number and the billing document number must accompany the payment. Respondent shall write the case docket number and the billing document number on the face of the check. Respondent shall send copies of the check and transmittal letter to:

Attn: Regional Hearing Clerk, (R-19J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Attn: Compliance Tracker, (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Karen Peaceman, (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3509

11. This civil penalty is not deductible for federal tax purposes.

12. If Lucas does not timely pay the civil penalty, EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action under Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

13. Interest shall accrue on any amount overdue from the date the payment was due at a rate established pursuant to 26 U.S.C. § 6621 (a) (2). Lucas shall pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. Lucas shall pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue according to Section 113 (d) (5) of the Act, 42 U.S.C. § 7413 (d) (5). This nonpayment penalty shall be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

General Provisions

14. This CACO and payment of a civil penalty in the amount of \$30,000 is in full satisfaction of and settles EPA's claims for civil penalties for the violations alleged in the complaint and for any other violations of the same Chrome Plating NESHAPs standards cited in the complaint which may have occurred up to the date of entry of the CACO.

15. Nothing in this CACO shall restrict EPA's authority to seek Lucas' compliance with the Act and other applicable laws and regulations.

16. This CACO does not affect Lucas' responsibility to comply with the Act and other applicable federal, state and local laws and regulations.

17. This CACO constitutes an "enforcement response" as that term is used in "U.S. EPA's Clean Air Act Stationary Source Civil Penalty Policy" to determine Lucas' "full compliance history" pursuant to Section 113 (e) of the Act, 42 U.S.C. § 7413 (e).

18. The terms of this CACO bind Lucas, its successors, and assigns.

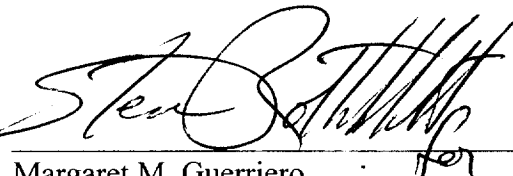
19. Each person signing this Consent Agreement certifies that he or she has the authority to sign this Consent Agreement for the party whom he or she represents and to bind that party to its terms.

20. Each party shall bear its own costs and fees in this action.

21. This CACO constitutes the entire agreement between the parties.

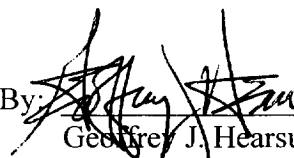
**U.S. Environmental Protection
Agency, Complainant**

Date: 6/29/99

By: 
Margaret M. Guerriero,
Acting Director
Air and Radiation Division
U.S. Environmental Protection
Agency, Region 5 (A-18J)

Lucas Sumitomo Brakes, Inc., Respondent

Date: 24 June 99

By: 
Geoffrey J. Hearsum, President and General
Manager
Lucas Sumitomo Brakes, Inc.

CONSENT AGREEMENT AND CONSENT ORDER

Lucas Sumitomo Brakes, Inc.

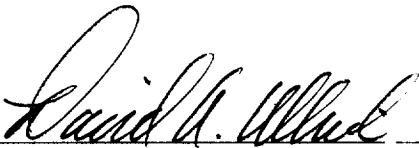
Docket No. CAA-5-99-015

Consent Order

It is ordered as agreed to by the parties and as stated in the Consent Agreement, effective immediately upon filing of this CACO with the Regional Hearing Clerk. This Order disposes of the matter pursuant to 40 C.F.R. § 22.18 (c).

Date: _____

6/30/99

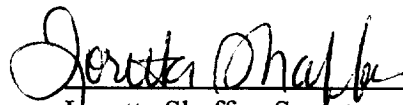


for Francis X. Lyons
Regional Administrator
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

CERTIFICATE OF SERVICE

I, Loretta Shaffer, certify that I hand delivered the original of the Consent Agreement and Consent Order, docket number CAA-5-99-015 to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that I mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to Lucas Sumitomo Brakes or Lucas Sumitomo Brakes' Counsel by placing them in the custody of the United States Postal Service addressed as follows:

on the 6th day of July, 1999.


Loretta Shaffer, Secretary
AECAS (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: P 140 777 319

US
POST
REGION 5

99 JUL -6 P2:13

RECEIVED
JUL 6 1999